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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO CESAR SARABIA,
MICHAEL WILLIAM HUTCHINSON, III,
JOSE MIGUEL HERNANDEZ, JR.,
MULAN PRECIOUS KEOPHIMANH,
JOHNNY BOBBY TRUONG,
GUADALUPE MANUEL CERVANTES,
aka "Pep" and
TANYA DUERELLE LAWSON,

Defendants.

CASE NO. 2:24-CR-00164 TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: August 22, 2024
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

1. Following the defendants' arraignment on the Indictment, this matter was set for its first status conference on August 22, 2024. Time has been excluded through and including August 22, 2024. ECF 43.
2. On August 8, 2024, new counsel, Tamara Soloman, was appointed to represent defendant Truong due to a conflict of interest. ECF 63.
3. By this stipulation, the parties now move to continue the status conference until November 7, 2024, and to exclude time between August 22, 2024, and November 7, 2024, under Local Code T4.

4. The parties agree and stipulate, and request that the Court find the following:

a) Discovery associated with this case and produced to date includes reports, photographs, and other data, which has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for the defendants desire additional time to consult with their respective clients, review the current charges, conduct investigation and research related to the charges, to review and copy discovery for this matter, and to otherwise prepare for trial. This is especially true for defense attorney Soloman, who was just appointed on August 8. Counsel for the defendants believe that the failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c) The government joins the request to continue.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 22, 2024 to and including September 12, 2024, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

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Dated: August 15, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ALEXIS KLEIN
ALEXIS KLEIN
Assistant United States Attorney

Dated: August 15, 2024

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Assistant Federal Defender
Counsel for Defendant
JULIO CESAR SARABIA

Dated: August 15, 2024

By: /s/ CHRISTOPHER COSCA
CHRISTOPHER COSCA
Counsel for Defendant
MICHAEL WILLIAM HUTCHINSON, III

Dated: August 15, 2024

By: /s/ JENNIFER MOUZIS
JENNIFER MOUZIS
Counsel for Defendant
JOSE MIGUEL HERNANDEZ, JR.

Dated: August 15, 2024

By: /s/ SHARI RUSK
SHARI RUSK
Counsel for Defendant
MULAN PRECIOUS KEOPHIMANH

Dated: August 15, 2024

By: /s/ TAMARA SOLOMAN
TAMARA SOLOMAN
Counsel for Defendant
JOHNNY BOBBY TRUONG

Dated: August 15, 2024

By: /s/ PHILIP COZENS
PHILIP COZENS
Counsel for Defendant
GUADALUPE MANUEL CERVANTES

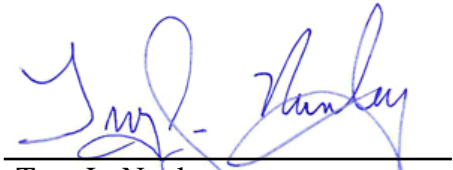
Dated: August 16, 2024

By: /s/ JOHN MANNING
JOHN MANNING
Counsel for Defendant
TANYA DUERELLE LAWSON

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the August 22, 2024, status conference and resets the matter for a status conference on November 7, 2024, at 9:30 a.m. The Court also finds that based on the facts set forth in the parties' stipulation, the failure to exclude time between August 22, 2024, and November 7, 2024, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from August 22, 2024, to and including November 7, 2024, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO FOUND AND ORDERED this 16th day of August, 2024.


Troy L. Nunley
United States District Judge